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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,762	02/19/2002	Wesley Adams	63007-5001	9415
24574	7590	08/07/2006		
JEFFER, MANGELS, BUTLER & MARMARO, LLP 1900 AVENUE OF THE STARS, 7TH FLOOR LOS ANGELES, CA 90067			EXAMINER BASHORE, WILLIAM L	
			ART UNIT 2176	PAPER NUMBER

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/081,762

Applicant(s)

ADAMS, WESLEY

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to communications: RCE filed 7/12/2006. The filing date of the instant application is **2/19/2002**.
2. Claims 9-11, 22-28, 30-31 remain rejected under 35 U.S.C. 102(e) as being anticipated by Marotta.
3. Claims 12-21, 29 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Marotta.
4. Claims 9-31 pending. Claims 9, 12, 22, 27, 31 are independent claims.

### *Continued Examination Under 37 CFR 1.114*

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/12/2006 has been entered.

### *Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 9-11, 22-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Marotta et al. (hereinafter Marotta), U.S. Patent Application Publication No. US 2002/0169667 A1, with provisional filing date of March 13, 2001.**

**In regard to independent claim 9**, Marotta discloses an automated media content submission method for use in clearing network advertisements (i.e. checking media spot content) (Marotta Abstract; compare with claim 9 *“A method of checking content comprising:”*).

Marotta discloses receiving an electronic package (a clearance job) containing various content, said job transmitted to a clearance organization, which in turn, is submitted to various organizations for review (Marotta paragraph [0012], [0013], [0014]; compare with claim 9 *“receiving an electronic package from a submitter, the electronic package containing at least one content item;”*, and *“viewing a content item;”*).

Marotta discloses an organization entering a comment regarding a content item (Marotta paragraph [0030]). Marotta also discloses different associated organizations (Marotta paragraph [0035]), as well as at least two organizations “advertising standards departments”, and “legal users” (i.e. legal organizations) that need to add comments (or further comments) to a job (i.e. intended recipients) (Marotta paragraph [0061] at top, and paragraph [0058], [0062]). The comments, attachments, etc. are delivered back to the network clearance department (compare with claim 9 *“entering a comment on the comment item;”*, *“collecting further comments from one or more entities;”*, and *“transmitting the comments and the further comments to the submitter.”*). It is noted that commercial television advertising spots are closely linked to legal departments (i.e. avoiding contract breaches from competing advertisers, use of jingles, logos, etc.).

Marotta discloses in section “Background Of Invention” (paragraph [0002]) that an “advertising clearance process ensures that the advertising spots...meet the standards imposed by the Agency’s Network Clearance Department, the advertiser’s Legal Counsel,...etc.” (underlining added). This implies that “clearance” of a submission is granted pending approval from said departments/counsel, and also implies that various “checks” are made to ensure adherence to said standards. Since Marotta’s invention involves clearance of

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submissions by various departments, said department(s) reviews (checks) said submissions accordingly (compare with claim 9 “*checking*”, see also Marotta paragraphs [0026], [0030]).

Marotta discloses adding comments and/or attachments to a submission (Marotta paragraph [0062]). Marotta also discloses that an Advertising standards department(s) and legal organization(s) can designate an order (submission), as b) Resubmitted order, or c) Preliminary Approval Requested order (video spot is not attached) (see Marotta paragraph [0061]). Item “c” equates to an incomplete user submission, whereby the submitter awaits a decision (said decision can include comments, etc.), to which said submitter, pursuant to approval and/or comment etc., can resubmit the order (item “b”), after changing the content by adding the video spot (compare with claim 9 “*...for selectively further action, such further action including at least one of changing the content or disregarding the content.*”).

**In regard to dependent claims 10, 11,** Marotta discloses submitting a job to an “Advertising Standards Department, as well as legal organizations (Marotta paragraph [0030], [0061], [0062]). It is noted that commercial television advertising spots are closely linked to legal departments (i.e. avoiding contract breaches from competing advertisers, use of jingles, logos, etc.).

**In regard to independent claim 22,** claim 22 incorporates substantially similar subject matter as claimed in claim 9, and in further view of the following, is rejected along the same rationale.

Marotta discloses a submission form (Marotta Figures 4-5), as well as information about a submission (Marotta paragraph [0058], [0059]).

**In regard to dependent claims 23-26,** Marotta discloses encoded files, advertisers, television companies, clearance providers (Marotta paragraph [0052], [0054], [0057], [0030], [0035]).

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**In regard to independent claim 27**, claim 27 reflects the system comprising computer readable instructions used for implementing the methods as claimed in claim 22, and is rejected along the same rationale.

**In regard to dependent claims 28, 30**, Marotta discloses MPEG (codec) (Marotta paragraph [0058]). Marotta discloses a clearance provider system (Marotta paragraph [0030]).

**In regard to dependent claim 29**, Marotta teaches MPEG files, a form of digitized video file (Marotta paragraph [0058]).

**In regard to independent claim 31**, claim 31 reflects the system comprising computer readable instructions used for implementing the methods as claimed in claim 22, and is rejected along the same rationale.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marotta.**

**In regard to independent claim 12**, Marotta discloses an automated media content submission method for use in clearing network advertisements (i.e. checking media spot content).

Marotta discloses receiving an electronic package (a clearance job) containing various content, said job transmitted to a clearance organization, which in turn, is submitted to various organizations for review (Marotta paragraph [0012], [0013], [0014]).

Marotta discloses an organization entering a comment regarding a content item (Marotta paragraph [0030]). Marotta also discloses different associated organizations (Marotta paragraph [0035]), as well as at least two organizations “advertising standards departments”, and “legal users” (i.e. legal organizations) that need to add comments (or further comments) to a job (Marotta paragraph [0061] at top, and paragraph [0058], [0062]). The comments, attachments, etc. are delivered back to the network clearance department). It is noted that commercial television advertising spots are closely linked to legal departments (i.e. avoiding contract breaches from competing advertisers, use of jingles, logos, etc.).

Marotta discloses an advertising account containing Project B, in turn containing various clearance jobs associated with clearance of advertising spots (Marotta paragraph [0048]), each job having at least a title (or some form of identifier) assigned to each job, so that each job can be differentiated accordingly. Marotta also discloses metadata fields for organizational purposes, and for defining the content media involved (Marotta paragraph [0052], [0053]).

Marotta discloses a submission form (Marotta Figure 4).

Marotta does not specifically teach a “spot count”. However, Since Marotta’s invention deals with organization of media jobs into various accounts for clearance and review, etc., it would have been obvious to one of ordinary skill in the art at the time of the invention to include some form of user submitted count of the number of jobs submitted, providing Marotta the benefit of increased organization, so that all jobs can be accounted for and associated with a user accordingly.

Marotta discloses in section “Background Of Invention” (paragraph [0002]) that an “advertising clearance process ensures that the advertising spots...meet the standards imposed by the Agency’s Network Clearance Department, the advertiser’s Legal Counsel,...etc.” (underlining added). This implies that “clearance” of a submission is granted pending approval from said departments/counsel, and also implies that various

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“checks” are made to ensure adherence to said standards. Since Marotta’s invention involves clearance of submissions by various departments, said department(s) reviews (checks) said submissions accordingly (compare with claim 12 “*checking*”, and “...*as a checking process*.” see also Marotta paragraphs [0026], [0030]).

**In regard to dependent claims 13-21**, Marotta teaches MPEG files, which is a form of digitized video file (Marotta paragraph [0058]).

Marotta teaches a file description, an ISCI code, and a plurality of job spots (Marotta paragraphs [0047], [0048], [0059]).

Marotta teaches completing/submitting a form (Marotta Figure 4, also paragraph [0052]).

Marotta teaches submission of a tape cassette (Marotta paragraph [0027]).

Marotta teaches that its invention can be used in the television broadcasting industry (i.e. television networks) (Marotta paragraph [0012]).

Marotta teaches returning feedback to a user (Marotta paragraph [0062]).

### ***Response to Arguments***

10. Applicant's arguments filed 7/12/2006 have been fully and carefully considered but they are not persuasive.

Applicant argues on page 6 of the amendment that Marotta does not teach the “checking” features as claimed. The examiner respectfully disagrees. Marotta discloses in section “Background Of Invention” that an “advertising clearance process ensures that the advertising spots...meet the standards imposed by the Agency’s Network Clearance Department, the advertiser’s Legal Counsel,...etc.” (underlining added). This implies that “clearance” of a submission is granted pending approval from said departments/counsel, and also implies that various “checks” are made to ensure adherence to said standards. Since Marotta’s invention involves clearance



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of submissions by various departments, said department(s) reviews (checks) said submissions accordingly (see also Marrotta paragraphs [0026], [0030]).

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**

August 5, 2006